

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 18.2-268.5 and 46.2-341.26:5 of the Code of Virginia, relating to the*
3 *procedure for taking blood samples.*

4 [H 786]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 18.2-268.5 and 46.2-341.26:5 of the Code of Virginia are amended and reenacted as**
8 **follows:**9 § 18.2-268.5. Qualifications and liability of persons authorized to take blood sample; procedure for
10 taking samples.

11 For purposes of this article, only a physician, registered professional nurse, graduate laboratory
12 technician or a technician or nurse designated by order of a circuit court acting upon the
13 recommendation of a licensed physician, using soap and water, polyvinylpyrrolidone *iodine*, *pvp iodine*,
14 *povidone* iodine or benzalkonium chloride to cleanse the part of the body from which the blood is taken
15 and using instruments sterilized by the accepted steam sterilizer or some other sterilizer which will not
16 affect the accuracy of the test, or using chemically clean sterile disposable syringes, shall withdraw
17 blood for the purpose of determining its alcohol or drug or both alcohol and drug content. It is a Class
18 3 misdemeanor to reuse single-use-only needles or syringes. No civil liability shall attach to any person
19 authorized to withdraw blood as a result of the act of withdrawing blood as provided in this section
20 from any person submitting thereto, provided the blood was withdrawn according to recognized medical
21 procedures. However, the person shall not be relieved from liability for negligence in the withdrawing of
22 any blood sample.

23 No person arrested for a violation of § 18.2-266 or § 18.2-266.1, or a similar ordinance shall be
24 required to execute in favor of any person or corporation a waiver or release of liability in connection
25 with the withdrawal of blood and as a condition precedent to the withdrawal of blood as provided for in
26 this section.

27 § 46.2-341.26:5. Qualifications and liability of persons authorized to take blood samples; procedure
28 for taking samples.

29 For purposes of this article, only a physician, registered professional nurse, graduate laboratory
30 technician or a technician or nurse designated by order of a circuit court acting on the recommendation
31 of a licensed physician, using soap and water, polyvinylpyrrolidone *iodine*, *pvp iodine*, *povidone* iodine
32 or benzalkonium chloride to cleanse the part of the body from which the blood is taken and using
33 instruments sterilized by the accepted steam sterilizer or some other sterilizer which will not affect the
34 accuracy of the test, or using chemically clean sterile disposable syringes, shall withdraw blood for the
35 purpose of determining its alcohol or drug content. It is a Class 3 misdemeanor to reuse single-use-only
36 needles or syringes. No civil liability shall attach to any person authorized by this section to withdraw
37 blood as a result of the act of withdrawing blood from any person submitting thereto, provided the
38 blood was withdrawn according to recognized medical procedures. However, the person shall not be
39 relieved from liability for negligence in the withdrawing of any blood sample.

40 No person arrested for a violation of § 46.2-341.24 or § 46.2-341.31 shall be required to execute in
41 favor of any person or corporation a waiver or release of liability in connection with the withdrawal of
42 blood or as a condition precedent to the withdrawal of blood as provided for in this section.

ENROLLED

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